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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)
11 Plaintiff,)
12 v.)
13 Nathelia Hodges,)
14 Defendant,)
15 and)
16 Alameda County Medical Center,)
17 Garnishee.)
18

Case No. C01-2553M

**WRIT OF CONTINUING
GARNISHMENT**

19 TO: Payroll Department
20 Alameda County Medical Center
15400 Foothill Blvd.
21 San Leandro, CA 94578

22 YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF
23 THE UNITED STATES OF AMERICA THE WAGES, SALARY, OR COMMISSION IN
24 YOUR CUSTODY, CONTROL, OR POSSESSION IN WHICH THE DEFENDANT-
25 JUDGMENT DEBTOR HAS AN OWNERSHIP INTEREST.

26 The name and last known address of the person who is the defendant-
27 judgment debtor (hereinafter "debtor") in this action and whose property is subject to
28 this Writ are as follows:

1 Nathelia Hodges
2 521 Honker Lane
3 Suisun City, CA 94585

4 This Writ has been issued at the request of the United States of America to
5 enforce the collection of a civil judgment entered in favor of the United States against
6 the debtor for a defaulted student loan in the amount of \$1,705.08. There is a balance
7 of \$1,320.81 due on the judgment, which amount includes costs and interest
8 computed through 10/27/2009.

9 The following are the steps that you must take to comply with this Writ. If you
10 have any questions, you should consult with your attorney.

11 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control,
12 or possession any property of the debtor, including wages, salary, or commissions, in
13 which the debtor has a substantial nonexempt interest, or if you obtain custody,
14 control, or possession of such property while this Writ is in effect, you must
15 immediately withhold such property from the debtor and retain it in your possession
16 until you receive instructions from the Court which will tell you what to do with the
17 property. The United States has requested that the sum of 25% of the debtor's
18 disposable earnings, which under California law represents the nonexempt portion of
19 the debtor's earnings, be withheld from the defendant's earnings.

20 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ
21 within 10 days after service of this Writ upon you. You must answer the Writ even if
22 you do not have in your custody, control, or possession any property of the debtor.
23 Pursuant to 28 U.S.C. § 3205(c)(4), your answer must state, under oath, the following
24 information:

25 a. Whether or not you have in your custody, control, or possession, any
26 property owned by the debtor in which the debtor has a substantial
27 nonexempt interest, including nonexempt, disposable earnings;

- 1 b. a description of such property and the value of such property;
- 2 c. a description of any previous garnishments to which such property is
- 3 subject and the extent to which any remaining property is not exempt;
- 4 and
- 5 d. the amount of the funds you anticipate owing to the debtor in the future
- 6 and whether the period for payment will be weekly or another specified
- 7 period.

8 For your convenience, a form which addresses the above-requested information is
9 attached and may be used to Answer the Writ.

10 3. After you complete the answer under oath, pursuant to 28 U.S.C. §
11 3205(c)(2)(E) & (c)(4), within ten (10) days after service of this Writ upon you, you
12 must mail or deliver the original Answer bearing the original signature of the person
13 preparing the answer to the Court at the following address:

14 Clerk, United States District Court
15 450 Golden Gate Avenue, 16th Floor
16 P. O. Box 36060
17 San Francisco, CA 94102

18 At the same time that you mail or deliver the original answer to the Court, you must
19 also mail or deliver a copy of the original Answer to both the debtor and attorney for
20 the United States at the following respective addresses:

21 Nathelia Hodges
22 521 Honker Lane
23 Suisun City, CA 94585

24 Michael Cosentino, Attorney at Law
25 P.O. Box 129
26 Alameda, CA 94501

27 Please note that the attached form Answer contains a certificate of service which
28 needs to be completed by the person mailing the copies of the answer to the debtor
29 and the attorney for the United States, and which needs to be filed along with the
30 Answer.

1 **IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY**
2 **IN ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE**
3 **COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO**
4 **ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH**
5 **THE WRIT BEFORE THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO**
6 **APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY**
7 **WITH THIS WRIT, THE COURT WILL ENTER A JUDGMENT AGAINST YOU FOR**
8 **THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY**
9 **(INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE COURT MAY ALSO**
10 **AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND**
11 **AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED**
12 **HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO**
13 **APPEAR.**

14
15 RICHARD W. WIEKING, Clerk
16 United States District Court
17 for the Northern District of California

18
19
20 Dated: November 5, 2009

21 By: *LaShonda Scott*
22 Deputy Clerk

1 DO NOT WITHHOLD THE EXEMPT PORTION OF THE EMPLOYEE'S EARNINGS

2 1. Earnings include any money (whether called wages, salary, commissions, bonuses, or anything else) paid for personal services, pension, or retirement. Vacation or sick pay is earnings subject to withholding as it is *received* by the employee.

3 2. Disposable earnings are different from gross pay or take-home pay. They
4 are the earnings left after deducting the part which state or federal law requires an
5 employer to withhold as mandatory deductions. Generally, these mandatory
6 deductions are federal income tax, social security (FICA) tax, state income tax, state
7 disability insurance, and payments to public employee retirement systems.
8 Disposable earnings can change from pay period to pay period, whenever gross pay
or required deductions change.

9 To determine earnings that¹ are eligible for withholding, and therefore must be
10 withheld, see the chart below.

11 USE THE CHART BELOW TO DETERMINE NONEXEMPT DISPOSABLE
12 EARNINGS AND THE APPLICABLE WITHHOLDING AMOUNT¹ :

13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	Pay Period: Weekly or oftener	Every 2 weeks	Twice a month	Once a month	
13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	Disposable earnings:	\$ 0 to \$217.50	\$ 0 to \$435.00	\$ 0 to \$471.25	\$ 0 to \$942.50
																Withhold:	Nothing (entire earnings are exempt)			
17	18	19	20	21	22	23	24	25	26	27	28					Disposable earnings:	\$217.51 to \$290.00	\$435.01 to \$580.00	\$471.26 to \$628.33	\$942.51 to \$1,256.67
																Withhold:	Amt. over \$217.50	Amt. over \$435.00	Amt. over \$471.25	Amt. over \$942.50
21	22	23	24	25	26	27	28									Disposable earnings:	\$290.01 or more	\$580.01 or more	\$628.34 or more	\$1,256.68 or more
																Withhold:	25% of disposable earnings (balance is exempt)			

1Based on the Federal Minimum Wage Earnings of \$7.25 an hour, effective 07/24/2009

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
12 Plaintiff,) Case No. C01-2553M
13 v.)
14 Nathelia Hodges,)
15 Defendant,)
16 and)
17 Alameda County Medical Center,) ANSWER OF GARNISHEE
18 Garnishee.)

20 I, _____, being first duly sworn, hereby state the following:

21 1. I am the _____ (Official Title) of the Garnishee

22 named in the above caption. I am authorized to prepare this Answer on behalf of the

23 Garnishee.

24 2. The Garnishee was served with the Writ of Continuing Garnishment on

25 _____ (date) in this action.

26 3. The Garnishee currently has custody, control, or possession of earnings of

27 the Defendant. Yes _____ No _____

28 4. The Garnishee expects to obtain custody, control, or possession of earnings

1 of the Defendant in the foreseeable future. Yes _____ No _____

2 5. For the pay period in effect on the date of service of this Writ of Continuing
3 Garnishment, the Garnishee states as follows:

4 a. Defendant was in my/our employ. Yes _____ No _____

5 b. The Defendant's pay period is _____ weekly, _____ bi-weekly,
6 _____ semi-monthly, _____ monthly.

7 c. The Defendant's present pay period began on _____ (date).
8 ("Present" means the pay period in which the Writ of Continuing
Garnishment was served.)

9 d. The Defendant's present pay period ends on _____ (date).

10 e. The Defendant's net wages are as calculated below:

11 (1) Gross Pay \$ _____

12 (2) Federal income tax \$ _____

13 (3) F.I.C.A. tax \$ _____

14 (4) State income tax \$ _____

15 (5) SDI \$ _____

16 Total tax withholdings \$ _____

17 Net Wages \$ _____
18 (gross pay minus above withheld taxes)

19 6. Are there any other garnishments currently in effect? Yes _____ No _____

20 If the answers is yes, describe below and attach to this Answer a copy of each
21 garnishment:

22 _____

23 _____

24 _____

25 7. Will the Garnishee owe the Defendant money in the foreseeable future?

26 Yes _____ No _____ If the answer is yes, provide the reason why such money will be
27 owed, the amount of money that will be owed, and the date or dates on which each
28

1 payment will be due:

2	3 <u>Type of</u> <u>Payment</u>	4 <u>Amount</u>	5 <u>Date Payment</u> <u>Will be Due</u>
6	7 1. _____	8 _____	9 _____
10	11 2. _____	12 _____	13 _____
14	15 3. _____	16 _____	17 _____

18 8. Does the Garnishee currently have custody, control or possession of property
 19 (other than earnings) such as bank accounts, pensions, thrift plans, etc., in which the
 20 Defendant maintains an interest? Yes _____ No _____ If the answer is yes, then
 21 provide the following information for each item of such property:

22	23 <u>Description of</u> <u>Property</u>	24 <u>Approximate</u> <u>Value</u>	25 <u>Description of</u> <u>Defendant's Interest</u>
26	27 1. _____	28 _____	29 _____
30	31 2. _____	32 _____	33 _____
34	35 3. _____	36 _____	37 _____
38	39 4. _____	40 _____	41 _____

42 9. Does the Garnishee expect to obtain in the foreseeable future custody,
 43 control or possession of property (other than earnings) such as bank accounts,
 44 pensions, thrift plans, etc., in which the Defendant maintains an interest? Yes _____
 45 No _____ If the answer is yes, then provide the following information for each item of
 46 such property:

47	48 <u>Description of</u> <u>Property</u>	49 <u>Approximate</u> <u>Value</u>	50 <u>Description of</u> <u>Defendant's Interest</u>	51 <u>Date Will</u> <u>Obtain</u> <u>Property</u>
52	53 1. _____	54 _____	55 _____	56 _____
57	58 2. _____	59 _____	60 _____	61 _____
62	63 3. _____	64 _____	65 _____	66 _____
67	68 4. _____	69 _____	70 _____	71 _____

1 10. Does the Garnishee have any objections or defenses to the Writ of
2 Continuing Garnishment? Yes No If the answer is yes, list the nature
3 and basis of each objection and/or defense:

4 _____

5 _____

6 _____

7 _____

8 _____

9 On behalf of Alameda County Medical Center, I hereby certify under penalty of
10 perjury under the laws of the United States of America that the foregoing is true and
11 correct.

13 | Dated: _____ By: _____

(Sign above and type or print name
below)

CERTIFICATE OF SERVICE

I, _____, declare:

That I am a citizen of the United States and employed in the County of

_____, California; that my business address is

_____ ; that I am

over the age of eighteen years; and that I am not a party to the above-entitled action;

That on _____ (date), I deposited in the United States mail, in

envelopes bearing the requisite postage, a copy of:

ANSWER OF GARNISHEE

addressed to each of the following, at their last known addresses, at which place

there is service by United States mail.

Nathelia Hodges
521 Honker Lane
Suisun City, CA 94585

Michael Cosentino
Attorney at Law
P.O. Box 129
Alameda, CA 94501

This Certificate was executed on _____ (date),

at _____ (city), California.

I certify under penalty of perjury that the foregoing is true and correct.

(sign above and type or print name
below)